

# HOUSE BILL 378

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EMERGENCY BILL

1lr2112

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By: **Delegates Nathan–Pulliam, Braveboy, Burns, Costa, Hubbard, A. Kelly, Kipke, Oaks, Pena–Melnyk, B. Robinson, and V. Turner**

Introduced and read first time: February 3, 2011

Assigned to: Health and Government Operations

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 9, 2011

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **State Board of Nursing – Medication Technician Graduates and Certified**  
3 **Medication Technicians**

4 FOR the purpose of extending the time period during which a medication technician  
5 graduate may practice without certification from the State Board of Nursing;  
6 authorizing certain medication technicians to practice for a certain time period  
7 while the State Board of Nursing processes a certain application; requiring the  
8 State Board of Nursing to provide a certain report to certain committees of the  
9 General Assembly on or before a certain date; making this Act an emergency  
10 measure; providing for the termination of this Act; and generally relating to the  
11 State Board of Nursing and medication technician graduates and certified  
12 medication technicians.

13 BY repealing and reenacting, with amendments,  
14 Article – Health Occupations  
15 Section 8–6A–07 and 8–6A–08(f)  
16 Annotated Code of Maryland  
17 (2009 Replacement Volume and 2010 Supplement)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
19 MARYLAND, That the Laws of Maryland read as follows:

20 **Article – Health Occupations**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 8-6A-07.

2 (a) Subject to subsection (g) of this section, the Board shall certify any  
3 applicant who meets the requirements of this subtitle.

4 (b) (1) The Board shall:

5 (i) Issue each new certified nursing assistant or medication  
6 technician a certificate number and registration certificate that indicates the initial  
7 certificate was issued by the Board; and

8 (ii) Electronically record each certificate in the Board's database  
9 and on the Board's website.

10 (2) Each certificate shall include:

11 (i) Any expiration date;

12 (ii) The type of certificate; and

13 (iii) Any specific category of nursing assistant.

14 (c) An individual who has met the requirements for a certified nursing  
15 assistant shall be certified with the title of "certified nursing assistant".

16 (d) An individual who routinely performs nursing tasks delegated by a  
17 registered nurse or licensed practical nurse for compensation and has also completed a  
18 Board-approved course in medication administration shall be certified with the title of  
19 "certified medicine aide".

20 (e) An individual who has met the requirements for a certified medication  
21 technician shall be certified with the title of "certified medication technician".

22 (f) The Board may issue a registration certificate to replace a lost, destroyed,  
23 or mutilated certificate, if the certificate holder pays the certificate replacement fee set  
24 by the Board.

25 (g) (1) The Board may issue a temporary practice certificate to an  
26 applicant who:

27 (i) Has met the appropriate certification requirements of this  
28 subtitle to the satisfaction of the Board;

29 (ii) Does not have a criminal record and has not been the subject  
30 of a health professional disciplinary action in this State or another jurisdiction; and

1 (iii) Does not have a criminal charge or a health professional  
2 disciplinary action pending in this State or another jurisdiction.

3 (2) Unless the Board suspends or revokes a temporary practice  
4 certificate, the temporary practice certificate expires 90 days after issuance.

5 (3) A temporary practice certificate may be extended up to an  
6 additional 90 days if the applicant is awaiting the completion of criminal history  
7 record information.

8 (h) A medication technician graduate may practice for no more than [90] 180  
9 days from the date of completion of a medication technician training program without  
10 certification by the Board.

11 (i) (1) On receipt of the criminal history record information of an  
12 applicant for certification as a certified nursing assistant forwarded to the Board in  
13 accordance with § 8-303 of this title, in determining whether to grant a certificate, the  
14 Board shall consider:

15 (i) The age at which the crime was committed;

16 (ii) The circumstances surrounding the crime;

17 (iii) The length of time that has passed since the crime;

18 (iv) Subsequent work history;

19 (v) Employment and character references; and

20 (vi) Other evidence that demonstrates whether the applicant  
21 poses a threat to the public health or safety.

22 (2) The Board may not issue a certificate if the criminal history record  
23 information required under § 8-303 of this title has not been received.

24 8-6A-08.

25 (f) (1) The Board may grant a 30-day extension, beyond a certificate's  
26 expiration date, to a certificate holder so that the certificate holder may renew the  
27 certificate before it expires.

28 (2) The Board may grant two 90-day extensions beyond a certificate's  
29 expiration date pending receipt of criminal history record information.

30 (3) A MEDICATION TECHNICIAN WHO HAS APPLIED FOR RENEWAL  
31 AND TAKEN THE BOARD-APPROVED CLINICAL REFRESHER COURSE MAY  
32 PRACTICE FOR NO MORE THAN 180 DAYS FROM THE DATE OF COMPLETION OF

1 THE BOARD-APPROVED CLINICAL REFRESHER COURSE WHILE THE BOARD  
 2 PROCESSES THE RENEWAL APPLICATION.

3 SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December  
 4 31, 2011, the State Board of Nursing shall report to the Senate Education, Health, and  
 5 Environmental Affairs Committee and the House Health and Government Operations  
 6 Committee, in accordance with § 2-1246 of the State Government Article, on:

7 (1) the status of the online program for processing initial and renewal  
 8 medication technician applications, including:

9 (i) the percentage of medication technicians using the online  
 10 renewal process;

11 (ii) any known obstacles to a medication technician applicant's  
 12 use of the online system; and

13 (iii) the number of days it takes to certify an initial or renewal  
 14 application;

15 (2) the measures implemented to encourage the use of online  
 16 applications; and

17 (3) an analysis of current staffing, including staff added since January  
 18 1, 2011, and projected staffing needs.

19 SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act ~~shall take~~  
 20 ~~effect October 1, 2011~~ is an emergency measure, is necessary for the immediate  
 21 preservation of the public health or safety, has been passed by a yea and nay vote  
 22 supported by three-fifths of all the members elected to each of the two Houses of the  
 23 General Assembly, and shall take effect from the date it is enacted. It shall remain  
 24 effective for a period of 2 years from the date it is enacted and, at the end of the 2-year  
 25 period, with no further action required by the General Assembly, this Act shall be  
 26 abrogated and of no further force and effect.

Approved:

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Governor.

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Speaker of the House of Delegates.

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Senate. President of the